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UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

RETURN DATE: **6/16/11**
TIME: **10:00 a.m.**

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In re:

LOUIS STOGLANOS,

Chapter 7
Case No.: 11-40832-jf

Debtor.
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**TRUSTEE'S MOTION FOR AN ORDER EXTENDING THE TIME TO OBJECT TO
THE DEBTOR'S DISCHARGE**

TO: THE HONORABLE JEROME FELLER
UNITED STATES BANKRUPTCY JUDGE

Debra Kramer, the interim chapter 7 trustee (the "Trustee") of the estate of Louis Stogianos, the debtor (the "Debtor") by and through her attorneys, The Law Offices of Avrum J. Rosen, PLLC, respectfully submits this as and for her motion (the "Motion") pursuant to section 727 of title 11 of the United States Code (the "Bankruptcy Code") and Rules 4004 and 9006 of the Federal Rules of Bankruptcy Procedure (the "Bankruptcy Rules") seeking the entry of an Order extending the time within which the Trustee and the Office of the United States Trustee may file a complain pursuant to section 727 of the Bankruptcy Code objecting to the Debtor's discharge from June 14, 2011 up to and including September 14, 2011, without prejudice to the rights of the United States Trustee and/or the Trustee to seek further extensions of such time, and states as follows:

Background

_____1. On February 4, 2011, the Debtor filed a voluntary petition for relief from his creditors pursuant to chapter 13 of the Bankruptcy Code.

2. On February 28, 2011, the Debtor filed a notice of voluntary conversion thereby converting the pending chapter 13 bankruptcy case, to one under chapter 7 of the Bankruptcy Code.

3. On March 2, 2011, Debra Kramer was appointed the interim chapter 7 trustee.

4. The Court set April 15, 2011 at 11:00 a.m. as the first meeting of creditors pursuant to section 341(a) of the Bankruptcy Code. The Debtor requested and received an adjournment of the first meeting of creditors.

5. The Trustee advised the Debtor, who is represented by sophisticated bankruptcy counsel, that the first meeting of creditors had been adjourned to May 3, 2011.

6. Debtor's counsel contacted the Trustee and advised that the Debtor had determined to move to re-convert his chapter 7 case back to a case under chapter 13 of the Bankruptcy Code. As of the date of this Motion, the Debtor has not taken any action to move to re-convert the case to chapter 13, assuming that such is even permissible.

7. The Trustee retained The Law Offices of Avrum J. Rosen, PLLC, as her counsel, pursuant to an Order of this Court entered on April 15, 2011.

8. The Trustee, by and through her counsel, commenced an investigation of the Debtor's assets, which investigation has not yet been concluded. However, through documents already obtained, the Trustee has determined that there may be assets available to distribute to the Debtor's creditors.

9. Accordingly, as the Debtor has not yet appeared for an examination, the Trustee seeks an extension of time to object to the Debtor's discharge.

Relief Requested

____ 10. The Trustee submits this Motion for entry of an Order extending the time within which the Trustee and the United States Trustee may file a complaint pursuant to section 727 of the Bankruptcy Code objecting to the Debtor's discharge from June 14, 2011 up to and including September 14, 2011, without prejudice to rights of the Trustee and/or the United States Trustee to seek further extensions of such time. The Trustee seeks the extension because the Debtor has not yet been examined at a section 341(a) meeting of creditors as required by section 343 of the Bankruptcy Code.

11. The examination of the Debtor at a section 341(a) meeting is required in order to fully investigate the Debtor's financial affairs and to make a reasonable decision as to whether an object to the Debtor's discharge should be filed. Accordingly, it is respectfully requested that the time within which the Trustee and the United States Trustee may file a complaint pursuant to section 727 of the Bankruptcy Code objecting to the Debtor's discharge, be extended from June 14, 2011 up to and including September 14, 2011, without prejudice to the rights of the either the Trustee and/or the United States Trustee to seek further extensions of such time. A proposed Order is annexed hereto.

12. Bankruptcy Rule 4004(a) provides, in relevant part, "[I]n a chapter 7 liquidation case a complaint objecting to the debtor's discharge under § 727(a) of the Code shall be filed no later than 60 days after the first date set for the meeting of creditors under § 341(a)". Subsection (b) of the Bankruptcy Rule provides "[O]n motion of any party in interest, after hearing on

notice, the court may for cause extend the time to file a complaint objecting to discharge. The motion shall be filed before the time has expired.”

13. In addition, Bankruptcy Rule 9006(a) allows the Court to enlarge a party’s time to take actions authorized by the Bankruptcy Rules. This Bankruptcy Rule sets forth, in relevant part, “[E]xcept as provided in paragraphs (2) and (3) of this subdivision, when an act is required or allowed to be done at or within a specified period by these rules . . . the court for cause shown may at any time in its discretion (1) with or without motion or notice order the period enlarged if the request therefor is made before the expiration of the period originally prescribed . . .”

WHEREFORE, for the reasons set forth herein, the Trustee respectfully requests that this Honorable Court enter an Order substantially in the form of the proposed Order annexed hereto, together with such further and other relief that this Court deems just and proper under the facts and circumstances herein.

Dated: Huntington, New York
May 14, 2011

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